



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,727	02/23/2004	Enrique Travieso	074869-0012	9503
20277 7590 10/07/2008 MCDERMOTT WILL & EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096				
EXAMINER				
AL HASHEMI, SANA A				
ART UNIT		PAPER NUMBER		
2169				
MAIL DATE		DELIVERY MODE		
10/07/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/784,727

Applicant(s)

TRAVIESO ET AL.

Examiner

Sana Al-Hashemi

Art Unit

2169

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-72 and 74 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36-72 and 74 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This office action is issued in response to applicant amendment filed 8/8/08.

Response to Amendment

Claims 1-35 were canceled. Claims 36-72 and 74 were amended. Claims 73, 75-79 were withdrawn from consideration.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 36- 60, 62-72, and 74 rejected under 35 U.S.C. 103(a) as being unpatentable over Levin (US Patent Application No. 2004/0102956 with filing date Nov. 14, 2003, which claims provisional filing date Nov. 22, 2002) in view of Levi Admitted Prior Art (APA hereinafter).

Regarding Claims 36, 63, and 74, Levin discloses a machine implemented method for providing translated content, comprising the steps of:

receiving a request from a first source via a network (Paragraph 35, line 1, the end user corresponds to the first source, Levin) for translated web content in a second language corresponding to content in a first language (Paragraph 35, is the native language, Levin);

requesting the content in the first language from a second source via a network (Paragraph 36, Levin);

dividing the content into one or more translatable components; generating an identifier for each of the translatable components (Paragraph 41, Levi);

identifying a translated component, generated previously via human translation (Paragraph 20, Levin) based on a dictionary, (Paragraphs 42, and 46, lines 1-3, wherein the linguist corresponds to the human, Levi) corresponding to a translatable component based on an identifier for the translatable component (Paragraph 42, 6-11, Levin);

generating the translated web content (Fig. 4, step 120, Levin) based on one or more translated components, identified in the identifying step (Paragraph 42, lines 12-18, Levin); and sending the translated content as a response to the request (Paragraph 51, Levin).

Regarding Claims 52, 56, 67, and 71, Levi discloses a method wherein a translated component is generated by translating a corresponding translatable component in the first language with assistance of human (Paragraph 46, 13, wherein the linguist is a human, Levin).

Regarding Claim 37, Levin discloses a method further comprising the step of arranging the one or more translated components in the translated content in the second language so that the format of the content in the first language is preserved (Paragraph 62, Levin).

Regarding Claim 38, Levin discloses a method wherein the step of arranging includes inserting a link contained in the content in the first language in the translated content in the second language (Paragraph 46, the target language, Levin).

Regarding Claim 39, Levin discloses a method wherein the step of arranging includes modifying a link associated with the content in the first language to obtain an updated link (Paragraph 45, Levin).

Regarding Claim 40, Levin discloses a method wherein the updated link points to an updated location associated with the translated content in the second language (Paragraph 46, lines 2-13, Levin).

Regarding Claims 41, and 42, Levin discloses a method wherein the updated link is derived by prefixing the link using a Universal Resource Locator (URL) associated with a processing facility that provides at least a part of the translated content (Paragraph 19, Levin).

Regarding Claims 43, and 64, Levin discloses a method wherein each of the translatable components is one of:

- a text segment (Paragraph 19, lines 12-22, Levin);

- an image file;

- an audio clip; a video clip;

- a file (Paragraph 19, lines 12-22, Levin); and

- any combination thereof in an electronic data stream (Paragraph 19, lines 12-22, Levin).

Regarding Claims 44, and 65, Levin disclose a method wherein the step of generating an identifier includes generating an identifier for a text segment based on at least one of a hash

code, a checksum, and a mathematical algorithm based on one or more text segments (Paragraph 23, lines 7-10, Levin).

Regarding Claim 45, Levin discloses a method wherein the content in the first language is sent from a different information processing system than where the step of receiving is performed (Paragraph 22, Levin).

Regarding Claim 46, Levin discloses a method wherein the content in the first language is parsed based on at least one markup tag into the one or more translatable components (Paragraph 37, Levin).

Regarding Claim 47, Levin discloses a method wherein the content in the first language includes a file containing at least one of a JavaScript and VBScript (Paragraph 65, Levin).

Regarding Claims 48, 62, Levin discloses a method wherein a translatable component is derived based on a directive tag contained in the content in the first language (Fig. 4, 116, and 120, Levin).

Regarding Claim 49, Levin discloses a method wherein the at least one directive tag is specified via a markup comment (Fig. 4, 116 wherein the specified site corresponds to the specified via a markup comment, Levin).

Regarding Claims 50, and 66, Levin discloses a method wherein:
the first language includes one of English, French, Spanish, German, Portuguese, Italian, Chinese, Korean, and Arabic (Paragraph 63, Levin);

the second language includes one of English, French, Spanish, German, Portuguese, Italian, Japanese, Chinese, Korean, and Arabic (Paragraph 63, Levin); and

the second language is different from the first language (Paragraph 64, Levin).

Regarding Claim 51, Levin discloses a method wherein the request is one of a Hyper Text Transfer Protocol (HTTP) request and a Simple Mail Transfer Protocol (SMTP) request (Paragraph 37, Levin).

Regarding Claims 53, and 63, Levin discloses a method further comprising the step of receiving a text string from a user viewing the translated content (Paragraph 37, lines 12-20, Levin).

Regarding Claims 54, and 69, Levin discloses a method further comprising the step of translating the text string, if the text string is in a language differing from the first language, to produce a translated text string in the first language (Paragraph 50, Levin).

Regarding Claims 55, and 70, Levin discloses a method wherein the step of translating is performed so that the translated text string is compatible with a given function utilized to provide the content in the first language (Paragraph 56, Levin).

Regarding Claims 57, and 72, Levin discloses a method wherein the given function is a search function (Paragraph 48, Levin).

Regarding Claim 58, Levin discloses a method further comprising the steps of:
identifying, among the one or more translatable components, at least two associated translatable components (Paragraph 45, Levin); and

generating one or more translated components in the second language that are locked-together corresponding to the at least two associated .translatable components in the first language (Paragraph 46, Levin).

Regarding Claim 59, Levin discloses a method for providing translated content is conditioned (Paragraph 41, wherein the number of core and the individual domains corresponds to content is conditioned, Levin).

Regarding Claim 60, Levin discloses a method wherein the step of dividing the content and generating an identifier are conditioned by the following steps of:

determining a percentage of the content in the first language for which translated components are available by the step of identifying (Paragraph 56, wherein the use of Hidden Markov Models discloses in the layered hidden Markov model the percentage as claimed, Levin); and

conditioning the step of dividing the content and generating an identifier based on the percentage determined (Paragraph 56, Levin)

Regarding Claim 62, Levin discloses a method wherein the one or more translatable components include a text segment enclosed in an attribute of an HTML tag (Fig. 4, 116 Levin).

Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levin US Patent Application Publication No. 2004/0102956 as applied to claims 36-51, 53-55, 57-66, 68-70, 72, and 74 above, and further in view of Swindells et al. (Swindells hereinafter) US Patent application Publication No. 2003/0187587 filed March 14, 2001.

Regarding Claim 61, Levin discloses all the limitations as stated above. However, Levin is silent with respect to wherein the condition is evaluated based on a first hash code and a second hash code, the step of evaluating further comprises the steps of:

- storing a first hash code for the content in the first language;
- storing the translated content;
- determining a second hash code for the content in the first language;
- comparing the first hash code with the second hash code;
- retrieving the translated content when the first hash code matches with the second hash code; and

perform the step of dividing the content and generating an identifier when the second hash code does not match the first hash code. On the other hand Swindells discloses storing a first hash code for the content in the first language (Paragraph 345, Swindells); storing the translated content (Paragraph 474, Swindells); determining a second hash code for the content in the first language(Paragraph 479, Swindells); comparing the first hash code with the second hash code (Paragraph 474, Swindells); retrieving the translated content when the first hash code matches with the second hash code (Paragraph 483, Swindells); and perform the step of dividing

the content and generating an identifier when the second hash code does not match the first hash cod (Paragraph 485, Swindells). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teaching of Swindells in the Levin system. Skilled artisan would have been motivated to incorporate the Swindells teaching to improve the quality of the translation by finding the closest match which in return will increase the number of the users.

Response to Arguments

Applicant's arguments filed 7/11/08 have been fully considered but they are not persuasive.

Applicant argues Levin does not disclose "human translation is unquestionably the preferred method for producing accurate and idiomatic translation, it remains prohibitively expensive and too time consuming to meet the new demand".

Examiner disagrees. Levin in Paragraph 20 clearly disclose the human translation and whether it is expensive and time consuming that is not part of the novelty of the invention, as long as the method is disclosed in the applied art then the limitation has been met.

Applicant argues the Levin art teaches away from "human translation".

Examiner disagrees. Levin discloses the use of human translation which is disclosed e.g. in Paragraph 3, and 20.

Applicant argues. Levin, paragraph 46, and asserted that Levin does teach human translation because the linguist is a human. Levin teaches to use a linguist to make rules that are used during machine translation. This is not the human translation activity itself. In Levin, a

machine, instead of a human, is used for translation. This is different from the claimed invention, which, as discussed above, is directed to "human translation based on a dictionary", as recited in independent claims 36, 63, and 74. As commonly known, although a dictionary can be made by a linguist, making a dictionary is separate from the activity of translating a document by utilizing a dictionary.

Examiner disagrees. Referring to paragraphs 3, and 20, Levin discloses the human translation based on a dictionary as shown in Fig. 4 step 114. Therefore the Levin disclose the human translation along with the linguist, so if the applicant does not see the linguist as a human Levin clearly shows a human translation as stated above.

Applicant argues the rejection of claim 61, since the Levin does not teach the human translation therefore the applicant traverse the rejection.

Examiner disagrees. Taken in consideration the response stated above the rejection is proper and all the limitations have been met specifically the "human translation".

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sana Al-Hashemi whose telephone number is 571-272-4013. The examiner can normally be reached on 8Am-4:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pierre Vital can be reached on 571-272-4125. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information System. Status information for published applications may be obtained from either Private PAIR or Unpublished Applications are available through Private PAIR only. For more information about the Private PAIR system, contact the Electronic Business Center at 800-345-9197 (toll-free). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center at 800-345-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/784,727
Art Unit: 2169

Page 12

/Sana Al-Hashemi/
Primary Examiner, Art Unit 2169